

McDonald Hopkins

McDonald Hopkins Co., LPA
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To: Petitions Group

From: Ronald D. Gutt

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that these papers are being deposited with the United States Postal Service with sufficient postage as first class mail on this 25th day of Sept, 2003 and in an envelope addressed to: Mail Stop: Petition, Commissioner of Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.

By: Pat Simpson

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: David L. Killion, et al. Group Art Unit: 3747
Serial No.: 09/489,525 Examiner: H. Ali
Filing Date: January 21, 2000 Docket No.: SIMP 0134 PUS
Title: IMPROVED ENERGY EFFICIENT FLUID PUMP

TRANSMITTAL OF
RENEWED PETITION UNDER 37 C.F.R. §1.181
AND ACCOMPANYING DOCUMENTS

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants submit the following:

- (1) Renewed Petition under 37 C.F.R. 1.181;
- (2) Statement from Practitioner to Establish Non-Receipt of an Office Communication;
- (3) Copy of Petition to Withdraw Holding of Abandonment – Notice of Allowance Not Received, along with supporting copy of docket records;
- (4) Copy of Decision on Petition;
- (5) Revocation and Appointment of Power of Attorney; and
- (6) Recorded Name Change documents.

(433170:)(431968:2

If there are any fees due with the submission of these documents, please charge our deposit account 13-0265.

Date: 9/25/03

Respectfully submitted,



Ronald D. Gutt, Reg. No. 43,650
MCDONALD HOPKINS CO. LPA.
600 Superior Avenue
Cleveland, OH 44114
(216) 348-5774

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APR 05 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that these papers are being deposited with the United States Postal Service with sufficient postage as first class mail on this 25th day of Sept, 2003 and in an envelope addressed to: Mail Stop: Petition, Commissioner of Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.

By: _____

*Pat Simpson***OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: David L. Killion, et al. Group Art Unit: 3747
Serial No.: 09/489,525 Examiner: H. Ali
Filing Date: January 21, 2000 Docket No.: SIMP 0134 PUS
Title: IMPROVED ENERGY EFFICIENT FLUID PUMP

RENEWED PETITION UNDER 37 C.F.R. §1.181

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby submits its Renewed Petition Under 37 C.F.R. 1.181 in response to the Patent Office's Decision on Petition, which was mailed July 28, 2003 (copy attached). The undersigned submits in support herewith a signed Statement and supporting docket report from the prior practitioner of record to comply with the full, required showing necessary to establish non-receipt of an office communication, in this case, the Notice of Allowance, pursuant to MPEP 711.03(c) II. Applicant respectfully requests its Renewed Petition be granted and the Patent Office issue a new Notice of Allowance to the undersigned attorney, so that we may pay the issue fee due.

As you know, an earlier petition was filed by previous counsel of record on December 14, 2001 and entitled "Petition to Withdraw Holding of Abandonment – Notice of Allowance Not Received" (copy enclosed, along with supporting print-out of docket records reflecting non-

(431968;2) (431968;2)

receipt of the original Notice of Allowance and Issue Fee Due Statement). Please know that the undersigned counsel of record has recently taken over responsibility for this application per Applicant's instructions (copy of Revocation and Appointment of Power of Attorney attached along with recently recorded Name Change document at Reel 013991, Frame 0723, reflecting Metaldyne Machining and Assembly Company, Inc. as the current owner of record).

This Renewed Petition and supporting Statement and docket report are due to the Patent Office not later than September 28, 2003 to be timely considered. Accordingly, no fees are believed due at this time, but if we are mistaken and there are any fees due, please charge our deposit account 13-0265.

Respectfully submitted,

Date:

9/25/03



Ronald D. Gutt, Reg. No. 43,650
MCDONALD HOPKINS CO. LPA.
600 Superior Avenue
Cleveland, OH 44114
(216) 348-5774

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: David L. Killion, et al. Group Art Unit: 3747
Serial No.: 09/489,525 Examiner: H. Ali
Filing Date: January 21, 2000 Docket No.: SIMP 0134 PUS
Title: IMPROVED ENERGY EFFICIENT FLUID PUMP

**STATEMENT FROM PRACTITIONER TO ESTABLISH
NON-RECEIPT OF AN OFFICE COMMUNICATION
UNDER 37 C.F.R. §1.181**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, John S. Artz, a partner in the law firm Artz & Artz, P.C., do hereby state and attest as follows:

1. I was the attorney of record for the above captioned case from the time the application was filed on January 21, 2000 until September 17, 2003 when the file was transferred to McDonald Hopkins Co., L.P.A.
2. We received the Notice of Abandonment dated October 10, 2001 on or about October 31, 2001, the date on which our docket/mail staff stamped it as received. The application was abandoned for failure to pay the required issue fee in a timely manner.
3. We did not receive a Notice of Allowance and Issue Fee Due statement from the U.S. Patent and Trademark Office and thus did not pay the issue fee that was due.
4. Upon receipt of the Notice of Abandonment on or about October 31, 2001, we thoroughly searched our office, including both our patent file jacket and our personal files, and did not locate the Notice of Allowance and Issue Fee Due statement.

{431984}

5. We also thoroughly searched our docket system and records which confirmed we had not received the Notice of Allowance and Issue Fee Due statement from the U.S. Patent and Trademark Office.
6. Accordingly, we timely filed a Petition to Withdraw Holding of Abandonment - Notice of Allowance Not Received on December 14, 2001 and attached a copy of the docket record reflecting where the non-received Notice of Allowance and Issue Fee Due dates would have been entered.
7. We received a Decision on Petition mailed July 28, 2002 from the U.S. Patent and Trademark Office stating our Petition was dismissed for failing to comply with all the requirements of MPEP 711.03(c)II.

Date: 9/24/03By: John S. Artz
John S. Artz

**Country Application**

13-Dec-01

Case Number: SIMP 0134 **Country:** US **SubCase:**
Client: Simpson Industries, Inc. **United States of America**
Case Type: ORD **Application Status:** Pending **Area(s):**
Application Number: 09/489525 **Filing Date:** 21-Jan-2000 WO
Patent Number: **Issue Date:**
Publication Number: **Publication Date:**
Tax Schedule: LE **Expiration Date:**
Tax Start Date:
Agent:
Agent Reference Number:

Adjusted Manner

List Of Actions

Action(s) Due	Due Date		Action Taken
Information Disclosure Stmt	21-Apr-2000	Due Date	01-May-2000
Response Due	11-May-2000	Due Date	15-Jun-2000
1st Extension	11-Jun-2000	Reminder	15-Jun-2000
2nd Extension	11-Jul-2000	Reminder	15-Jun-2000
Foreign Filing 6 Mo. Reminder	21-Jul-2000	Reminder	21-Jan-2001
3rd Extension	11-Aug-2000	Reminder	15-Jun-2000
Final Deadline	11-Sep-2000	Final	15-Jun-2000
Foreign Filing 9 Mo. Reminder	21-Oct-2000	Due Date	21-Jan-2001
Information Dis Follow Up Date	01-Nov-2000	Due Date	04-May-2000
US-Missing Part Follow Up Date	15-Dec-2000	Due Date	19-Jun-2000
Foreign Filing 11 Mo. Reminder	21-Dec-2000	Due Date	21-Jan-2001
Foreign Filing Due	21-Jan-2001	Final	21-Jan-2001
1 Month to Due Date	26-Mar-2001	Reminder	26-Apr-2001
3 Month Due Date	26-Apr-2001	Due Date	26-Apr-2001
1st Extension	26-May-2001	Reminder	26-Apr-2001
2nd Extension	26-Jun-2001	Reminder	26-Apr-2001
2 Weeks to Final Date	10-Jul-2001	Due Date	26-Apr-2001
Application Status Check	21-Jul-2001	Due Date	01-Feb-2001
Foreign Filing Follow Up Date	21-Jul-2001	Due Date	21-Jan-2001
6 Month Final	26-Jul-2001	Final	26-Apr-2001
Application Sta Follow Up Date	01-Aug-2001	Due Date	
US-3 Month Offi Follow Up Date	26-Oct-2001	Due Date	

Country Application

13-Dec-01

Remarks: This appln. Claims benefit of 6USSN 60/130103 filed 20 Apr 1999 with is a CIP of USSN 09/069807 filed 30 Apr 1998 now US Patent 5918573 which claims benefit of 60/045470 filed 2 May 1997.

Assignee: Simpson Industries, Inc. recorded 15 Jun 2000 on Reel/Frame:
10868/0576.

User ID: ARM

Date Created: 22-Feb-2000

Last Update: 24-Aug-2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

David L. Killion

Serial No. 09/489,525

Filed: January 21, 2000

For: IMPROVED ENERGY EFFICIENT FLUID PUMP

Attorney Docket No: SIMP 0134 PUS



Group Art Unit: 3747

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

12/14/01
Date of Deposit

Donna A. Hagg
Signature

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
- NOTICE OF ALLOWANCE NOT RECEIVED**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Notice of Allowance forming the basis for the abandonment was not received.

In support of this Petition, attached is a copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed.

In consideration of this submission, it is respectfully requested that the holding of abandonment be withdrawn.

U.S.N. 09/489,525

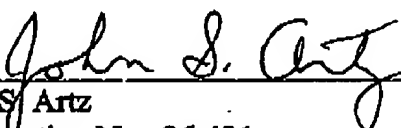
-2-

SIMP 0134 PUS

Attached is a check in the amount of \$130.00 representing the Petition Fee. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0476.

Respectfully submitted,

ARTZ & ARTZ


John S. Artz
Registration No. 36,431
28333 Telegraph Road, Ste. 250
Southfield, MI 48034
(248) 223-9500

Date: December 14, 2001

Country Application

13-Dec-01

Case Number: SIMP 0134 **Country:** US **SubCase:**
Client: Simpson Industries, Inc. **United States of America**
Case Type: ORD **Application Status:** Pending **Area(s):**
Application Number: 09/489525 **Filing Date:** 21-Jan-2000 WO
Patent Number: **Issue Date:**
Publication Number: **Publication Date:**
Tax Schedule: LE **Expiration Date:**
Tax Start Date:

Agent:**Agent Reference Number:****List Of Actions**

Action(s) Due	Due Date		Action Taken
Information Disclosure Stmtnt	21-Apr-2000	Due Date	01-May-2000
Response Due	11-May-2000	Due Date	15-Jun-2000
1st Extension	11-Jun-2000	Reminder	15-Jun-2000
2nd Extension	11-Jul-2000	Reminder	15-Jun-2000
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6 Month Final	26-Jul-2001	Final	26-Apr-2001
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US-3 Month Off Follow Up Date	26-Oct-2001	Due Date	

Country Application

13-Dec-01

Remarks: This appln. Claims benefit of 6USSN 60/130103 filed 20 Apr 1999 with is a CIP of USSN 09/069807 filed 30 Apr 1998 now US Patent 5918573 which claims benefit of 60/045470 filed 2 May 1997.

Assignee: Simpson Industries, Inc. recorded 15 Jun 2000 on Reel/Frame: 10868/0576.

User ID: ARM

Date Created: 22-Feb-2000

Last Update: 24-Aug-2000



UNITED STATES PATENT AND TRADEMARK OFFICE

SIMP0134

JUL 28 2003

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ARTZ & ARTZ P.C.
John S. Artz ✓
28333 Telegraph Road Suite 250
Southfield, MI 48034

MAILED

Paper No. 11

JUL 28 2003

Director's Office
Group 3700

In re Application of
KILLION, DAVID L.
Application No.: 09/489,525
Filed: January 21, 2000

ENTERED CPI

Date: _____
By: _____

8-7-03

DECISION ON PETITION

JUL 28 2003

This is a decision on the petition filed March 5, 2003 to review the holding of abandonment, mailed October 18, 2001.

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is DISMISSED.

The showing required to establish nonreceipt of an Office communication must include: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)II.

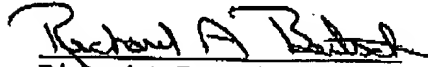
The instant petition does not comply with item (1) above. Practitioner did not provide a statement attesting to the fact that a search of the file jacket and docket records were made in confirming the Office communication was not received

The petition fee is not required. The \$130 petition fee is being credited to deposit account no. 50-0476.

Petitioners may file a renewed petition, without fee, addressing the points raised above. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Alternatively, petitioners may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov.

Application/Control Number: 09/489,525
Art Unit: 3747

Page 2


Richard A. Bertsch, Director
Technology Center 3700



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: David Killion Group Art Unit: 3747
Serial No.: 09/489,525 Examiner: H. Ali
Filing Date: Jan. 21, 2000 Docket No.: SIMP 0134

Title: IMPROVED ENERGY EFFICIENT FLUID PUMP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY

Dear Sir:

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified patent application.

I hereby appoint the following attorneys to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

John S. Cipolla, Reg. No. 37,597
Robert H. Earp, III, Reg. No. 41,004
Ronald D. Gutt, Reg. No. 43,650
David B. Cupar, Reg. No. 47,510
Robert C. Baraona, Reg. No. 45,426

Please send all further correspondence regarding the above-mentioned application to:

Ronald D. Gutt
McDonald Hopkins Co., LPA
2100 Bank One Center
600 Superior Avenue, E.
Cleveland, OH 44114-2653

Metaldyne Machining and Assembly Company, Inc.

4/4/04
Date

[Signature]
Name: R. Jeffrey Pollock
Title: Secretary and General Counsel

{431727;}



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 24, 2003

MCDONALD HOPKINS CO.
RONALD E. GUTT
600 SUPERIOR AVENUE E
2100 BANK ONE CENTER
CLEVELAND, OHIO 44114

PTAS



7000445404

UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/18/2003

REEL/FRAME: 013991/0723
NUMBER OF PAGES: 3

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SIMPSON INDUSTRIES, INC.

DOC DATE: 03/19/2001

ASSIGNEE:

METALDYNE MACHINING AND ASSEMBLY
COMPANY INC.
47603 HALYARD DRIVE
PLYMOUTH, MICHIGAN 48170

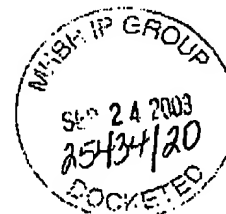
SERIAL NUMBER: 09489525

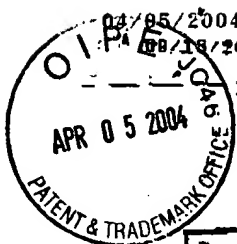
PATENT NUMBER:

FILING DATE: 01/21/2000

ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS





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09/18/2003 12:05 FAX 216 348 5475

MCDONALD HOPKINS

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09/18/2003
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Tab settings ⇒ ⇒ ⇒ ▼ ▼ ▼ ▼ ▼ ▼ ▼ ▼					
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): <u>Simpson Industries, Inc.</u> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) <u>Name: Metaldyne Machining and Assembly Company, Inc.</u> Internal Address: _____ Street Address: <u>47503 Haywood Drive</u> City: <u>Plymouth</u> State: <u>MI</u> Zip: <u>48170</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) <u>091480,525</u> B. Patent No.(s) _____ Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Ronald D. Gurt</u> Internal Address: <u>McDonald Hopkins Co., LPA</u> Street Address: <u>600 Superior Avenue, E.</u> <u>2100 Bank One Center</u> City: <u>Cleveland</u> State: <u>OH</u> Zip: <u>44114</u>		6. Total number of applications and patents involved <u>1</u> 7. Total fee (37 CFR 3.41) <u>\$40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account: Charge any deficiencies in this recordation to our deposit account. 8. Deposit account number: <u>19-0286</u> (Attach duplicate copy of this page if paying by deposit account)			
DO NOT USE THIS SPACE					
8. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <u>Ronald D. Gurt</u> (Reg. No. 49,650) Name of Person Signing <u>Ronald D. Gurt</u> Signature <u>9/17/03</u> Date					

Total number of pages including cover sheet, attachments, and documents: _____
Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box Assignment
Washington, D.C. 20231

(431320)

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